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NATIONAL ASSOCIATION OF THE DEAF

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March 31, 1997

Mr. William F. Caton
Office of the Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

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MAR 28 1997

Federal Communications Commission
Office of Secretary

Re: Comments in the Matter of
The Use of N11 Codes and Other
Abbreviated Dialing Arrangements
CC Docket No. 92-105

Dear Mr. Caton:

Enclosed herewith are one original plus twelve copies of the Comments of the National Association of the Deaf in the above captioned proceeding.

Sincerely,

Karen Peltz Strauss
Legal Counsel for Telecommunications Policy

Enclosures

cc: ITS
Gloria Shambley

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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

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In the Matter of

The Use of N11 Codes and Other
Abbreviated Dialing Arrangements

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**COMMENTS OF
THE NATIONAL ASSOCIATION OF THE DEAF**

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SUMMARY

The NAD applauds the Commission's decision to assign 711 for access to telecommunications relay services (TRS). Allocation of a 711 code for this purpose will help to bridge the telecommunications gap between individuals who use text telephones and those who use conventional voice telephones. It will also help to fulfill the goal of Title IV of the Americans with Disabilities Act to provide functionally equivalent relay services by making access to these services convenient, fast, and uncomplicated. In order to maintain competition among relay providers, we propose that the new 711 code allow customers to either pre-subscribe to their preferred relay provider or be used to provide a gateway through which customers may obtain access to multiple relay vendors and TTY operator services. Additionally, such gateway might be used to provide access to both voice and text relay services.

We question the need to wait as long as three years for implementation of 711 given the rapid pace of technological change. We propose instead, a one year time period, but reserve further comment until the reply stage.

Finally, we urge the Commission to ensure that the new 311 code is directly accessible to TTY users so that deaf and hard of hearing individuals have the comfort of knowing that they, along with the general population, can easily and conveniently access non-emergency police services.

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of)	
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**COMMENTS OF
THE NATIONAL ASSOCIATION OF THE DEAF**

I. Introduction

The National Association of the Deaf ("NAD") submits these reply comments in response to the First Report and Order and Further Notice of Proposed Rulemaking, CC Docket No. 92-105 (released February 19, 1997) (First Report and Order) in which the Federal Communications Commission (FCC or Commission) is addressing matters relating to the use of N11 codes.

The NAD is the nation's largest organization safeguarding the accessibility and civil rights of 28 million deaf and hard of hearing Americans in education, employment, health care, and telecommunications. The NAD is a private, non-profit federation of 51 state association affiliates including the District of Columbia, organizational affiliates, and direct members. The NAD seeks to assure a comprehensive, coordinated system of services that is accessible to Americans who are deaf and hard of hearing, enabling them to achieve their maximum potential through increased independence, productivity, and integration.

II. 711 Code for Relay Access

The NAD applauds wholeheartedly the Commission's proposed decision to assign 711 for access to telecommunications relay services (TRS). First Report and Order ¶55. As we noted in earlier proceedings, allocation of a 711 code for this purpose will help to bridge the telecommunications gap between individuals who use text telephones and those who use conventional voice telephones, by making access to relay services convenient, fast, and uncomplicated. The goal of Title IV of the Americans with Disabilities Act is to make services provided by relay systems functionally equivalent to telephone voice services. 47 U.S.C. §225. Assignment of 711 for relay access will help to meet that goal by eliminating the difficulties that individuals now have with respect to finding relay numbers when they travel from state to state, and by reducing the number of digits needed for accessing relay services.

In addition, use of the 711 code for relay access is consistent with other legislative and regulatory proceedings that have taken place since passage of Title IV. First, as the First Report and Order notes, an N11 code will further the goals of Section 255 of the Communications Act, as enacted in 1996, which requires telecommunications equipment and services to be accessible to individuals with disabilities. Second, since the petition seeking N11 access to TRS was first filed by the National Center for Law and Deafness with the FCC, the Canadian Radio-television and Telecommunications Commission directed the allocation of 711 for TTY relay callers, Hawaii decided to use 1511 for voice access and 1711 for TTY access, and a few other states decided to set aside the 711 and 511 codes for TRS pending the outcome of this proceeding. Assignment of 711 in all of the states will thus contribute to uniform TRS access that has already begun in World

Zone I. Finally, assignment of 711 for TRS will be consistent with other efforts underway by the FCC to improve relay services. Specifically, the FCC recently initiated a Notice of Inquiry, seeking input on how TRS can be improved for individuals with hearing and speech disabilities, people who cannot effectively use text telephones (TTYs) and people who do not use English as their primary language. In the Matter of Telecommunications Relay Services, the Americans with Disabilities Act of 1990, and the Telecommunications Act of 1996, Notice of Inquiry, CC Dkt. No. 90-571 (January 14, 1997) at ¶13.

As we noted in our response to the FCC's inquiry on TRS, in recent years, there has been a gradual shift from the single relay provider model, to competition among several providers within the relay market. Already, AT&T, Sprint, and MCI compete for customers in the interstate market; intrastate competition is next to follow.

Relay competition, also called multivendoring, follows the competitive trends encouraged in the Telecommunications Act of 1996. It promises to offer relay consumers choice in the relay features that may suit them best, discourages monopolistic arrangements, and encourages telecommunications providers to consistently improve their services in their efforts to win new customers. In order to maintain such competition, the new 711 code could be used much in the same way that callers now use "Dial-One Service" for their long distance carriers. In this manner, customers would be able to pre-subscribe to their relay vendor from their homes or businesses. Similarly, 711 could provide a gateway through which customers may obtain access to multiple relay vendors. In response to the FCC's question about whether such a gateway could be used to access other disability services, First Report and Order ¶68, we suggest that it be used to access TTY operator services which are typically not handled by TRS centers. Such gateway access

would be consistent with Section 255 of the Communications Act in that it would facilitate access to preferred telecommunications services.

The FCC has requested comment on whether the same 711 code should provide both voice and text TRS access, First Report and Order ¶68. On this point, we suggest that to the extent a 711 gateway can be developed, such gateway should provide access to both voice and text services. We urge, however, that the FCC not depart from its minimum standards for relay provider response time, even if this requires a second number for voice callers. Currently, FCC rules require 85% of all TRS calls to be answered within 10 seconds, although this standard is under review in the Commission's current TRS proceeding.

Finally, the Commission has proposed that nationwide implementation of 711 occur within three years of the effective date of its order. This period of time appears quite long, given the rapid pace of technological change. A one year time period, it would seem, should be sufficient to make the network changes necessary to accommodate 711 access. However, we reserve further comment on this issue until we have had an opportunity to review comments submitted by those who will be charged with implementing this First Report and Order.

III. 311 Code for Non-emergency Police Access

In its First Report and Order, the Commission also assigns the 311 code for access to non-emergency police and other governmental services. In doing so, the FCC notes that 311 will "provide an easy-to-remember number," ¶39, and refers to "an element of urgency likely attaching to calls to police," ¶44, both of which merit the allocation of 311 for this purpose. In earlier comments to the FCC, the NAD urged the Commission to condition the grant of the 311 code for non-emergency police access on its being fully and directly accessible to TTY users.

Comments of NAD, In the Matter of Non-emergency Telephone Number for Police Services, CC Dkt. No. 92-105. A requirement for 311 to be directly accessible would be consistent with Congress' goal in Section 255, to ensure access to all telecommunications services. Moreover, as the FCC notes, Title II of the ADA requires 911 and other emergency services to be directly accessible by individuals with disabilities. 42 U.S.C. §12131-12161; 28 C.F.R. §35.162. It would be inconsistent and likely a violation of this Title to permit states to adopt the 311 code without requiring parallel access.

IV. Conclusion

We thank the Commission for the opportunity to submit these comments, and again commend the FCC for taking action that will give relay users the comfort and convenience of gaining fast and easy access to relay services anywhere in the country. We request the Commission to take action that would facilitate use of 711 as a gateway to multiple TRS vendors, TTY operator services, and other useful TTY or TRS services. Finally, we urge the Commission to ensure that direct TTY access to 311 offers deaf and hard of hearing individuals the comforts of knowing that they, along with the general population, can easily and conveniently access non-emergency police services.

Respectfully submitted,



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